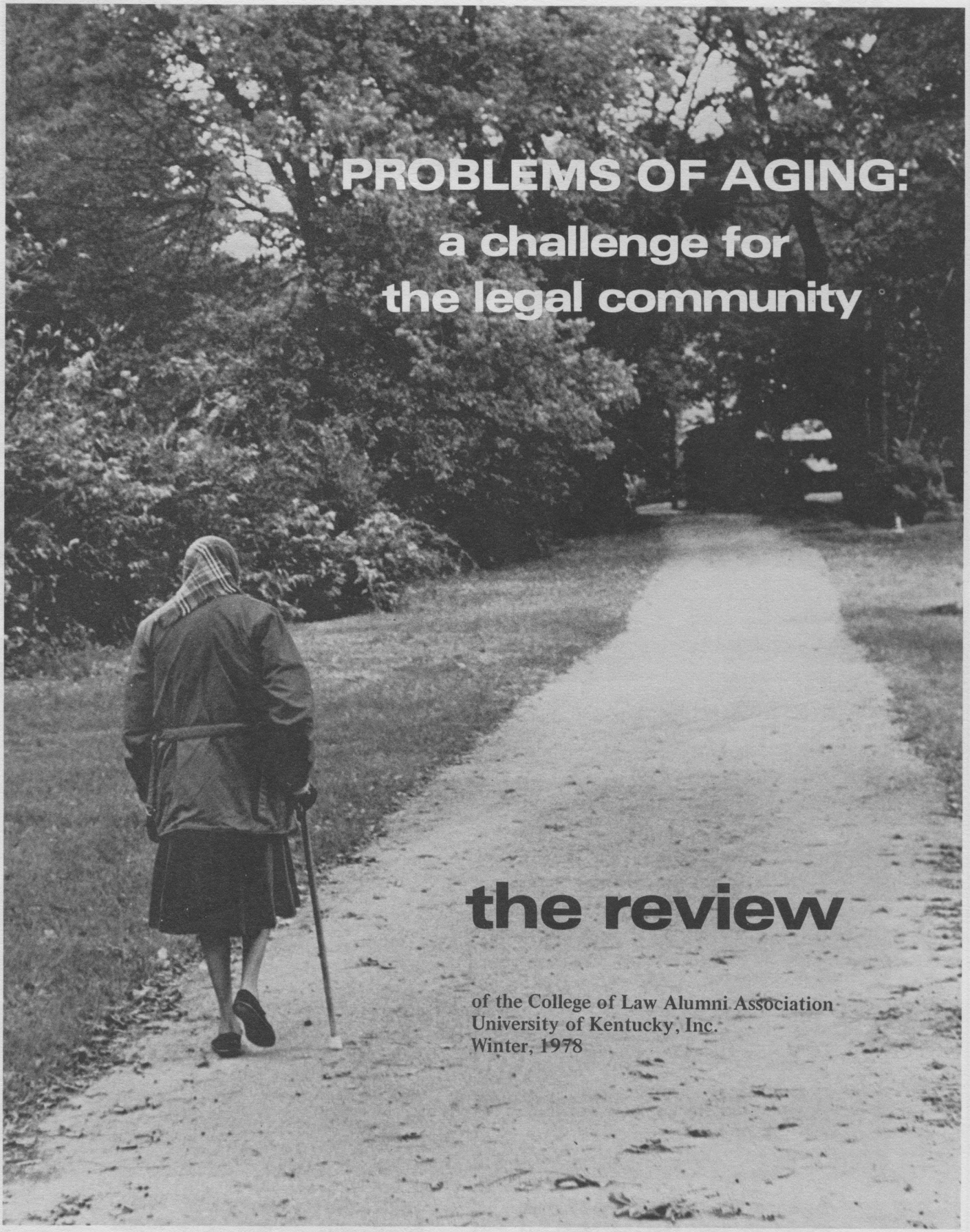

PROBLEMS OF AGING:
a challenge for the legal community

the review

of the College of Law Alumni Association
University of Kentucky, Inc.
Winter, 1978

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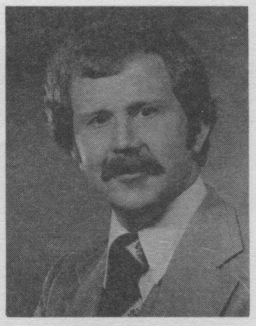
letters from the editor



Someone once made the observation, "We all want to go to heaven, but if it's all the same, I'd rather not go today." A similar observation might be made about growing old: we all want to be able to live long enough to be considered "old," but we'd rather have that eventuality postponed as long as possible.

The cover story in this issue focuses on the problems of growing old, particularly those problems relating to the legal community. Written by Charles Main and based on materials prepared by UK Associate Professor of Law Carolyn Bratt, this commentary is a call to arms for the aged It is also an appeal to the legal community to become more sensitive to the needs of the elderly.

The cover photo was taken by UK Journalism student Amy Head. Ms. Head was the winner of a contest sponsored by the Review and run by Ralph Johnson and Alen Malott, photojournalism teachers at UK. We want to take this opportunity to thank everyone who entered photos in that contest and to Ralph and Alen for their help.

You might notice that we have some new features in this issue. "Profile," is a feature we hope to continue in the future. This issue features Chloe Gifford. If you have any suggestions for distinguished alumni to be included in that column, please let us know.

In the book review section, Professor Frederick W. Whiteside makes some suggestions on books the practicing lawyer might want to consult on the 1976 tax changes. We also have a review of Leon Jaworski's book, **The Right and the Power.** Jaworski was to have spoken at the College last Fall, but his duties in Washington called him away.

We appreciate all the items submitted by the alumni to be included in this issue. Please keep it up! Your classmates are interested in hearing about you!

Bruce W. Singleton,
Editor, The Review,
and Director of Publications
UK College of Law.

Chloe Gifford

she's into "a little smattering of everything."

by MARIE MITCHELL

At 75, Chloe Gifford has earned the respect of many national and international figures. Still actively involved in various organizations, Chloe has more treasures and memories than many museums. She carries a storehouse of historical knowledge from her many years of travels and sharply recalls names and events dating back to the early 1900's.

Demonstrating what she calls her best asset-a sense of humor-Chloe refers to herself as "an old maid who never snared a man." However, the native Kentuckian, one of the UK Law School's first women graduates (1923) has not let the absence of a marital partner stop her from getting involved in a "little smattering of everything," and pioneering the way for women's rights.

Leading the way in women's concerns has not been easy. Even today Chloe admits "women have to be twice as good as the men they work with to get respect."

Chloe Gifford in 1963 (above, right) and in 1977 (above) with (from left to right) UK Director of Libraries Paul Willis and Mr. and Mrs. Stanley F. Reed, Jr. Mr. Reed is a son of retired U.S. Supreme Court Associate Justice Stanley F. Reed.

Reflecting upon her life the gracefully graying Chloe can honestly say, "I've never regretted anything I've done in my whole life," although she will admit there is "room for improvement."

The only child of a tobacco farmer, Chloe was born in Mt. Olivet, a small town in Robertson County that she describes as literally having "a one room school." The fact that no trace of her birth was ever recorded presented major problems when she applied for a passport years later.

When she turned six, Chloe moved with her parents to Lexington because of better educational opportunities. This became her home although one could hardly say she really "settled down."

Before her 21st birthday Chloe was on the road to establishing her many "firsts" for women, by being recruited into law school before finishing her undergraduate work in education. Ironically, this token woman among 150 "boys" had never even attended secondary school with men.

She received her bachelor of laws degree in 1923 followed a year later by a bachelor of arts degree. In 1926 Chloe passed her Kentucky Bar exam at the age of 21. Although she never practiced law for a living, she says, "It taught me a lot, and made me more mature and objective in my thinking."

Her goal had been to become a juvenile court judge, but she was "too young and had too much training" to be considered for the only opening available in Chicago."Back in those days," Chloe offers as a reminder,"the A.B. was the epitome of education. Now it's the Ph.D."

Unable to apply her law degree in her chosen field, Chloe turned to teaching for the next 12 years at her alma mater, Sayre School, aspiring to the position of Dean.

In 1938 Chloe became president of the Women's Club of Central Kentucky, her first of many club posts despite her insistance that she never had the desire to run for office.

Joining the UK staff in 1940, Chloe pioneered as Director of the Bureau of Club and Community Service with the College of Adult and Extension Education. In this newly-formed job she planned and executed programs for schools and various organizations throughout the state.

Calling herself a "salesman" for the University she was just that— a goodwill ambassador. "I never had any ambition for myself," she confessed. "I always carried the interests of the University with me."

In 1943 Chloe received her master of arts degree simply by picking up electives she had been unable to fit in before because her undergraduate schedule had been so rigid. Without realizing it, she had earned enough hours. With little preparation, she took her oral exam using strategy that she often found valuable later: talking just long enough to prevent too many embarassing questions.

After serving as President of the Kentucky Federation of Women's Clubs from 1948 to 1958, Chloe advanced to positions in the General Federation of Women's Clubs (GFWC). She reigned as third vice president in 1952, second vice president in 1954, and first vice president in 1956.

Finally, she was nominated for the position of president in 1958. Neither confident of her chances of winning nor possessing the desire to exchange Kentucky for Washington, D.C., on June 5, 1958, Chloe nevertheless became the first unmarried woman in the GFWC's 67-year history to become president. In addition, she was the first professional woman and second southern woman to hold that job.

Returning home from her victory at the Denver conference on June 10, then-Governor A.B. Chandler proclaimed a Chloe Gifford Day in Kentucky in honor of her leadership in civic work.

Granted a two-year leave from UK, Chloe traveled to almost every state in the union, in addition to making 11 trips to Europe and one to the Orient. She admits to a great deal of support from the 11 million GFWC members behind her. "When you're doing something good, people want to get on the bandwagon. I just decided that I was going to put the GFWC on the map," Chloe says.

The experiences from her trips was worth a great deal. "I've found human beings the same the world over," she says.

Although she never got to meet her hero, Winston Churchill, Chloe has enjoyed the company of Eleanor Roosevelt; presidents from Harry Truman through Richard Nixon; Queen Elizabeth and Charles DeGaulle to barely scratch the surface.

At a conference in Manila, Chloe accepted an honorary doctorate of humanities from Centro Escolar University.

There were some scary times, though. Like almost getting shot on a foolish whim to step foot into Czechoslavokia, despite the barbed wire barrier and armed guard getting ready to take aim. Or almost being trapped inside Indonesia at the outbreak of a revolution. Or traveling through Russia on her own.

Retirement from UK in 1970 was no tearful good-bye. As Chloe puts it, "I walked out blissfully. My philosophy is to know just how long a job will take when I decide to do it."

There has never been an inactive moment, however. There wasn't even a day's rest after retirement since five different organizations called her immediately, requesting her time. "I'm working as hard without pay as I ever did for a salary," she says, admitting to 15 hour days.

Gradually, though, Chloe says she wants to have time to herself. She has given up hobbies such as bridge and golf for lack of time and substituted working with people as a pasttime.

Presently this remarkable woman is sitting on a new, confidential Judicial Commission of Retirement and Removal of Judges. "It takes oodles of time because there is so much to read, but it keeps me alert mentally and brings back law to me," she says.

But that's not all that keeps her busy. Chloe also serves on the YWCA board and interviews the elderly for admission into the low-rent Emerson Center on Garden Springs Drive.

Souveniers as reminders of her travels are numerous. There are keys to major cities in the U.S. and abroad, gold panned in Alaska set into a necklace, tea cups and saucers from all around the world and eight bound volumes of clippings from the two years of her presidency.

Of her perseverence in projects and life, Chloe explains, "It takes a lot of courage, but I believe in what I'm doing and nothing can stop me if I think I'm right."

Nothing has yet. And she keeps on going.

alumni report

MARK G. ARNZEN, '72, and WILLIAM T. ROBINSON, III., '71, have earned the status of Diplomate of the Court Practice Institute.

MARK P. BRYANT, '73, Paducah, Ky. was appointed by Governor Julian M. Carroll as Commonwealth's Attorney for the Second Judicial District of Kentucky to replace Hon. Albert Jones, recently appointed United States District Attorney for the Western District of Kentucky.

WILLIAM H. COLDIRON, '47, of Butte, Montana, has been elected chairman of the American Bar Association's Public Utility Law Section. He succeeded William E. Miller of Washington, D.C. Coldiron is also a 1938 Morehead University graduate.

JOHN J. DAVIS, '76, has entered into practice, opening an office in association with the firm of Todd and Sherrow in Lexington.

ADOLPH M. EDWARDS, JR., '29, recently retired from the position of director of the division of socio-economics of the Louisiana State Medical Society, New Orleans.

PORTER H. GILBERT, '49, is currently chief counsel of the National Aeronautics and Space Administration Manned Space Center in Houston, Tx.

NICHOLAS W. JOHNSON, '68, is now serving as deputy attorney general of West Virginia in charge of the environmental protection division.

RUSSEL B. MILLIKEN, '60, Director of Tax Affairs and Assistant General Counsel of the Mead Corporation, was elected as international President of Tax Executives Institute, Inc. at the organization's annual meeting in Kansas city, Missouri in August 1977. He has been with the Mead Corporation since 1960 and prior to that was an instructor in accounting and economics at the University of Kentucky.

DAVID S. RICHMOND, '73, has become a partner in the law firm of Green, Connor, and Carroll in Owensboro.

DON C. ROSS, JR., '52, has been promoted to assistant vice president and associate counsel of Kentucky Central Life Insurance Company.

GEORGE E. STIGGER III, '63 has been promoted by Consolidated Coal Company (Consol) to the newly-created position of counsel-legal department. Before joining Consol in 1974 as a land manager, Stigger maintained private law practices in Henderson and Evansville, Indiana.

ROY VANCE, JR., '42, was elected judge of the Kentucky Court of Appeals, First Appellate Division last November.

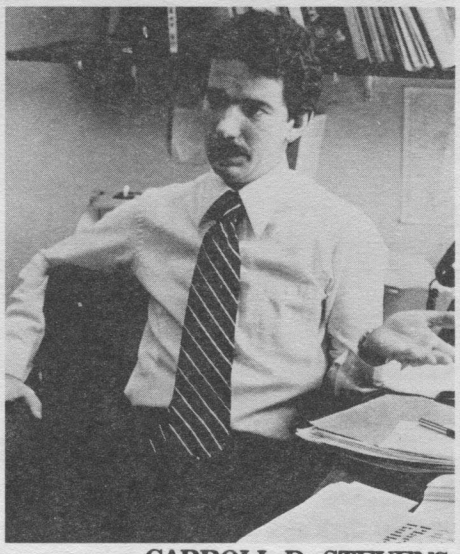
CLASS AGENTS FOR FUND DRIVE NAMED

The first annual College of Law Fund Drive, chaired by Fred Nichols, '50, is well under way, according to Assistant Dean for College Relations Carroll Stevens, who serves as Coordinator for the Fund. The most recent development has been the naming of Agents for each law graduating class, who are undertaking to contact their respective peers to encourage donations. The Class Agent Committee, chaired by Charles E. English, '60, was responsible for Class Agent nominations.

"Early response to the Fund drive was heartening," Stevens said, "but our first year's success depends upon a gathering of momentum through the Fall." He added, "We are beginning to see a very strong response---and the work of the Class Agents is largely the reason." Some classes have adopted special projects, others are aiming for either high percentage of participation or total dollar amount goals.

The College of Law Fund, an integral part of the University of Kentucky Annual Giving Fund, provides the opportunity for Alumni and friends of the Law School to designate their gifts to the University for the College of Law.

"There's no question but that the need for additional support for the Law School is very real," Stevens, himself a 1976 U.K. law graduate said. "Even greasing the squeaky wheel gets more difficult every year. But we need to do more than that to maintain the College of Law's solid reputation and tradition of service. We need to shore up our funds for scholarship, faculty support and library acquisition. New projects in the areas of student services and clinical education have to go totally begging because we lack the wherewithal. My hope is that the College of Law Fund will begin to provide Tom Lewis and the faculty with the means to thing about remedying deficiencies and improving service to all our publics."



CARROLL D. STEVENS

The 1977 College of Law Fund closes on December 31, 1977. All gifts are fully tax deductible to the limits allowed by federal and state tax laws. The Spring, 1978 edition of **THE REVIEW** will contain an annual giving report listing donors and an account of the Fund's successes.

alumni news

Dean Stahr attends Fall Alumni Reception

Elvis J. Stahr, Jr., Professor of Law and Dean of the College from 1948 to 1956, was a guest at this Fall's Alumni Reception held September 24th at the Campbell House. Dean Stahr, shown here with Professor Willburt Ham, is now President of the National Audubon Society in New York.

Among the alumni attending were (below) Tom Bunch, '64; Cindy Nunery; David Nunery, '73; and Gail Bunch.

Alumni Directory to be published

The College of Law Alumni Association is in the process of compiling the second alumni directory in the history of the college. The directory will list all graduates of the Law School alphabetically, geographically and by class year. The alphabetical section will include full name, year of graduation, and business addresses.

It is hoped that future editions can contain additional pertinent material including home addresses, telephone numbers, and major areas of practice.

Matthews Scholarship

The Fayette County Bar Association, acting through its Board of Governors, has provided funds for a scholarship in the amount of $700 to be awarded in the name of Professor W.L. Matthews.

Under guidelines adopted by the Board, the scholarship funds are to be awarded to students who have need and are residents of Kentucky. The students are to be selected by a commitee chosen annually by the Dean of the College of Law.

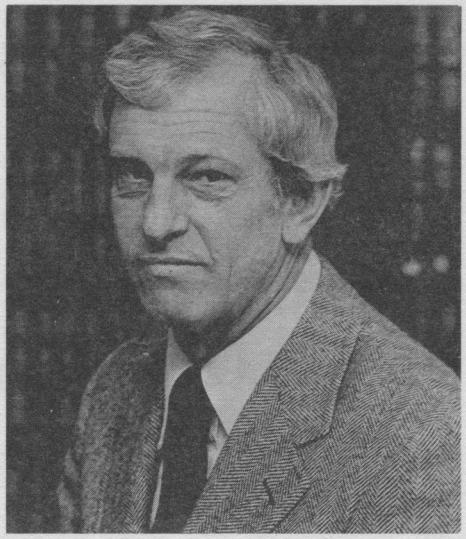
For the 1977-78 term, two second-year students were chosen to receive the scholarship. They are Frank T. Becker and Wayne T. Pohl.

Books Overdue?

William James, UK Law Librarian has asked **the Review** to announce that the library is happy to allow alumni to use its services and check out books. He would like to remind those of you who have books out that they are needed.

If we all bring the books we use back within a reasonable time, we'll all have the books there when we need them.

Perspectives



The Fall term has been an extraordinarily busy time for all of us at the College of Law. In the Spring we are scheduled for a periodic "reinspection" by the ABA and the Association of American Law Schools, an exercise in which all accredited law schools must participate every seven years. This has prompted us to conduct an on-going "self-study"—to see where we are, to determine how well we are doing on our job, and to think as clearly as we can about purposes and goals for the future.

As a result of our self-study, committee work has been especially heavy and committee reports are beginning to flow to the larger self-study committee. Two committees will probe areas which may be of special interest to you. An existing committee on clinical programs has been asked to consider means by which we can improve our training of students in lawyering skills and to determine whether we should seek to develop a trial advocacy program open to practicing lawyers. I have asked a small group of established lawyers (including a judge) to consult with this committee. Professor Robert Schwemm is chairman of the committee. A new committee has been created to consider whether we should seek to develop a mineral law program at the College. This committee, chaired by Professor W.L. Matthews, will be consulting with a number of knowledgeable people outside the College.

In addition to our self-study effort, we face a very important and demanding year of recruiting for new faculty members. Our personnel committee has considered hundreds of potential candidates, and we are optimistic about our ability to add strong, highly-qualified individuals to the faculty.

The Board of Directors of the Law Alumni Association has also been quite active this Fall. The College of Law Fund has naturally absorbed a good deal of energy, but other products of the work of the Board will be evident next Spring. One proposal that has emerged from Board deliberations is for the creation of a visiting committee composed of distinguished lawyers. You will be hearing more about this in the second half of the term.

All in all there is much cause for optimism, and I hope the next few months—and years—will produce a growing sense of excitement about developments in the College. I have mentioned only a few of the projects we now have in the works, and I have not mentioned any of our existing programs through which substantial accomplishments have been made. An example is our placement program under the leadership of Carroll Stevens. Our placement record—virtually a perfect one—outdistances those of most schools and will equal the record of any school in the country.

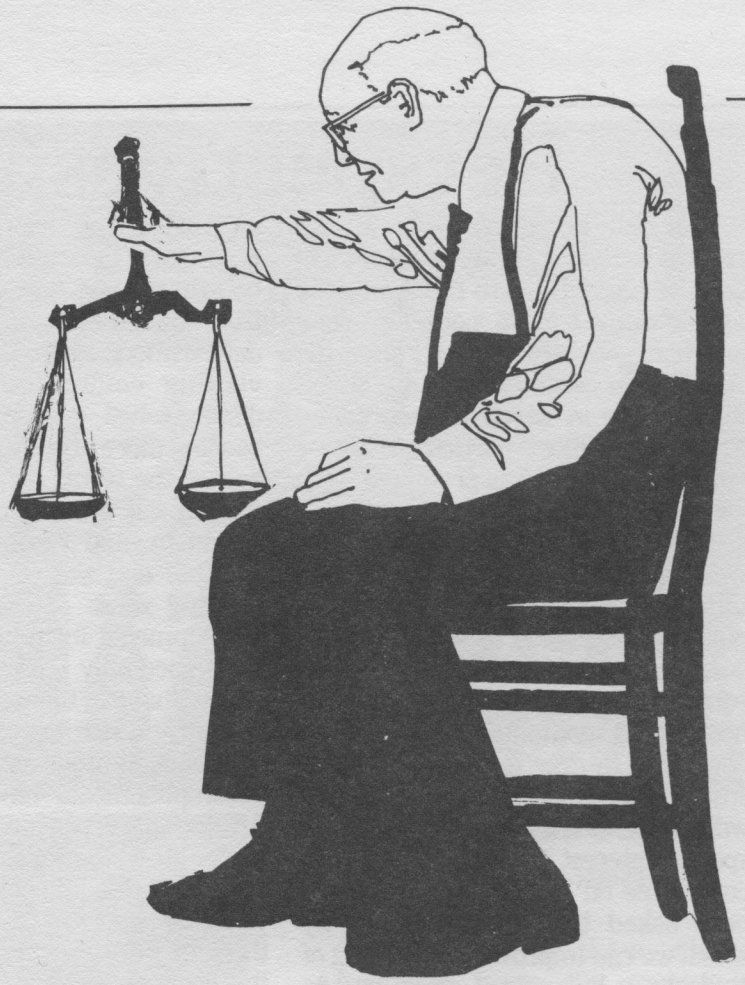
But there is cause to be concerned, too. Among the committee reports received by the self-study committee is the report of the scholarship committee. The inescapable fact to be drawn from this report is that our scholarship program is woefully inadequate whether measured in absolute or comparative terms. Many of the projects we have underway, such as our placement program, are funded with dollars saved from unfilled faculty positions. These dollars will not be available when we grow to fuller strength in faculty manpower, as we must if we are to discharge our obligation to provide skills type training for our students as well as an excellent traditional program. And if we expect to keep our present faculty strong and to recruit at the levels of quality we should, we must improve our faculty salary schedule. For these reasons we have asked the University for additional support. But most of you are aware of the general financial plight of the University as sketched by President Otis Singletary during the last months. We cannot be at all sure that when all is said and done, after the State and the University have made their hard decisions, additional financial support for the College of Law will be available in adequate measure.

The Law Alumni Association has launched the College of Law Fund to help cope with financial programs. Such a fund can work in two ways. First, when there is so much competition for tax dollars, the fund can narrow the margin between the level of support we can hope to obtain from the State and the level adequate to permit the College of Law to develop its potential of supplying legal education of the highest quality to the Commonwealth. Because of the relatively modest cost of even beefed-up legal education, this margin will be one that can be measurably affected at modest individual costs to alumni. Second, the College of Law Fund can provide a signal from the alumni that they care about the College of Law and believe in the importance of its striving towards excellence.

In my experience, those charged with the difficult task of allocating funds welcome such signals from alumni, because they provide relevant information concerning the ordering of goals within a complex structure.

PROBLEMS OF AGING:

a challenge for the legal community



Grow old with me!
The best is yet to be,
The last of life, for which the first was made.
Robert Browning, "Rabbi Ben Ezra."

The word "old" or "aged," when used to describe human beings, evokes many images. It may mean the old man with the white, flowing beard. Or the woman with the walker, pushing the device forward and clinging to it to support her frame.

It may connote the nursing home: the place where senior citizens go to walk in the valley of the shadow of death.

Growing old may also mean reaching a time of reward and rest, as the poet has suggested. Neither image, however, is complete. Reaching a certain chronological age does not necessarily mean frailty or reward.

Yet, the assumptions on which we proceed are often based on these notions.

The aging in America have special legal problems: problems that have, partly because of adherence to these stereotypes and partly because of their own lack of knowledge, gone unremedied in the main by the legal community. Though statistics paint what may be seen as an incomplete picture at best, they may be important in showing the magnitude of this problem.

Today, every tenth American is over sixty-five: twenty million people. They comprise one of the least visible and most neglected minorities in the United States today. They are ten percent of this nation's population yet represent fully twenty percent of it's poor.

commentary

Eighty-six percent of the elderly have some sort of chronic health condition, disease or impairment. Interestingly enough, though the popular notion is that "all old people are in nursing homes," only five percent of the elderly need special-setting care.

The aged spend three and a half times the amount for health care that is spent by people under sixty-five, yet Medicare and Medicaid reimburse them for only forty-seven percent of their medical expenses.

Twenty percent of the aged live in households with incomes below the official poverty level. Fifty percent of all aged couples cannot meet the theoretical costs of the "modest but adequate" budget for retired couples as established by the Bureau of Labor. Food, shelter and medical care account for proportionally more of an elderly person's expenses than for any other age group.

The statistics go on and on, but the picture they paint must be abundantly clear. Americans, as a society have failed the aging portion of their population.

Loneliness, fear, poverty, isolation, ill-health, lack of any meaningfull work or activity--these are the rewards that American society provides for those who have been the productive mainstays of the society for forty to fifty years. It is a tragedy, yes, but it is also much more: it is a crime.

Because we have come to accept the proposition that older people are no longer capable of making meaningful contributions to our culture, we push them aside to make way for younger and, we assume,

more competent replacements.

Now, however, the myths on which this practice is based are being proven to be just that: myths.

All of the latest research being done in the field of gerontology by those interested in the purely biological study of aging seems to indicate that, although aging is a natural, irreversible process, it is an uneven process.

People age differently and at different rates. Behavioral scientists have begun to show that those stereotypical characteristics which are so blithely attributed to and associated with growing older are really a function of many complex and interrelated factors other than chronological age alone.

The term "senility" is really a pejoritive term with no real scientific basis. The loss of memory and loss of orientation to time and space which are now commonly attributed to advanced age have been shown in many cases to be attributable to vitamin deficiencies in older people's diets. That deficiency is avoidable as well as reversible.

The characteristic sleeplessness which affects many older persons may be more symptomatic of a lack of any meaningful activity than of "senility".

Society retires its managers and laborers at sixty-five, regardless of their ability to continue performing their jobs. To many, this retirement is not only from a profession, but from life as well. Is it any wonder that the aged, relegated to endless hours of boredom and monotony, do not require eight hours of sleep each night?

Most people involved with the aging accept the proposition that functional age measured individually should be determinative of a person's ability to perform a job, and not unfairly imposed criteria based solely on chronological age. Once an aging worker is terminated, he or she cannot readily find alternative employment and studies have shown that the lack of work is economically, emotionally and physically damaging to the individual.

Deprived of his or her status in the community and of the opportunity for meaningful activity; fearful of becoming dependent on others for his or her means of support; lonely in his or her new found isolation, the involuntarily retired person is subject to psychological deterioration.

It must by now be abundantly clear that the aging poor of the American population have been victimized by their society's increasing orientation toward youth. Ill-planning, insensitivity, and lack of foresight have left almost insurmountable barriers to their ability to age and retire with dignity and self-respect.

What is perhaps society's greatest injustice to the aging poor is its failure to provide them with any means of advocating their own rights or employing someone else to do it for them. The aging poor have virtually no access to legal services.

The American legal system has failed the aging poor.

It has been suggested that the American legal system has failed the aging poor in that it has not taken strong action to facilitate their coming together with the legal community. Perhaps the legal community does not recognize the aging poor's need for legal advice and assistance and their obvious lack of knowledge of how to get it.

It is hard to believe this lack of knowledge could go unnoticed by those whose job it has been to administer legal aid services, for the aging poor have just not taken advantage of these services. While the aging poor make up over twenty percent of the nation's poor, they make up just six percent of its legal services clients.

The barriers to their utilization of these services, though painfully obvious, have seemingly been ignored or overlooked now for years. The lawyers in charge of the legal services offices, though well trained in the law, just could not appreciate the practical problems of the people who would--or could--form a great percentage of their clientelle.

Obviously, the aging among the nation's poor are more hampered than anyone by physical disabilities, lack of mobility and lack of transportation. In addition, a dearth of correct information about legal services and the combined effects of pride, suspicion and fear have caused the aging poor to shrink back from taking advantage of legal aid services.

While these barriers are formidable, they are not wholly insurmountable. Through the enlisted aid of nonlegal professionals and the reorganization of existing structures in legal services administration, these barriers can be overcome.

Where clients are unable to get to the legal services offices to seek help, systems should be set up that allow the lawyers to go to their clients

In consideration of sites for future legal aid offices, thought should be given to such areas as proximity to bus routes and major transportation lines, provision of adequate access ramps, etc.

Most important, though, is the creation of programs to inform the elderly of their legal rights and to provide legal services to them as a specific group with emphasis on the areas of special interest to them.

Relatively few legal service plans have special programs to serve the elderly. Indeed, probably few legal services plans even serve a proportionate number of the elderly in their communities because of problems discussed earlier. However, this does not mean that existing legal service programs are unable, with proper assistance, to address the needs of the elderly in their areas.

A first step in utilizing an existing program is to persuade the directors involved to devote a portion of their staff and funds to the problems of the elderly. Ideally, the number of staff and the amount of funds so devoted should correspond to the percentage of elderly in the community served by the program. The staff designated to specialize in the needs of the elderly would then be free to develop expertise in areas of interest to the elderly, train others in the program to be sensitive to the needs of the elderly and do test litigation and legislative and administrative reform work for the elderly.

In addition, the staff could develop an outreach program, designed to inform the elderly of the services available, to help them recognize their legal rights, and to overcome the fear of lawyers and dislike of accepting free services that are often encountered among older people.

However, it must be remembered that most legal service programs are already overburdened and underfunded. Therefore, in order to

develop a full program for the elderly, other sources of funding and staff will probably be needed.

One way to overcome the problem of opening lines of communication to the elderly is to establish working relationships with already existing organizations of the elderly.

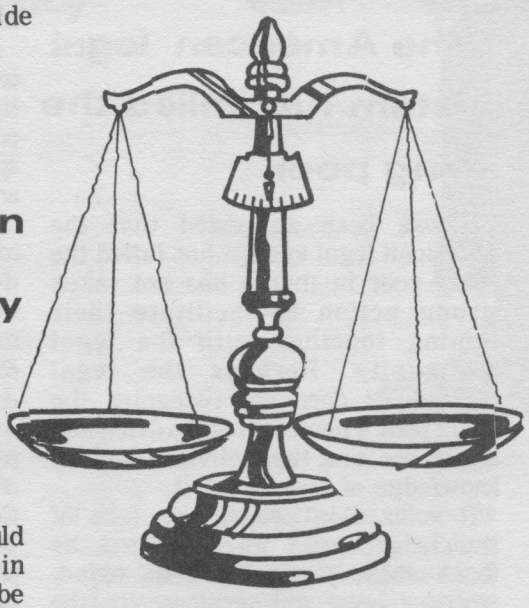
Local senior citizen organizations or centers are often very important in the lives of older persons. They provide a centralized source of information as well as social gatherings and other services which are determined only by imagination and funding limitations. There is no reason why such centers or organizations could not also provide legal services.

Society cannot continue to abandon and ignore its elderly population.

Organizations of the elderly could structure a legal service program in several ways. Existing funds could be used to employ a lawyer as a member of the organization's stafff, or to retain a private lawyer or firm. An attorney from a government-funded legal service program could be loaned to the organization, or could establish a special relationship with the organization while still maintaining a caseload with the legal service program. Also, such organizations could seek funding from other sources to add legal services to their programs.

By being connected with an organization of older persons, a lawyer can take advantage of the organization to make legal rights and the availibility of legal services known to potential clients. Also, the organization can help establish the lawyer's priorities by making known the needs and interests of the elderly and the organization can take an active role in test litagation and legislative reform.

Another group of institutions which could prove invaluable in establishing better services for the elderly is the nation's law schools. Many schools have programs where students receive credit for doing work for organizations that provide legal services to the poor, and some schools have their own clinical programs which provide faculty-supervised legal services and utilize students for interviewing, research, negotiating, etc. Thus, an organization interested in providing legal services to the elderly might find a local law school to be a source of volunteers, or might



be able to convince a local law school to include in its clinical program emphasis on the legal problems of older persons.

Law school research courses can assist in developing new legal theories and strategies to assist the elderly and courses on the problems of older persons will help make future lawyers more aware of the needs of the elderly and hopefully make them better able to deal with older people and their problems.

Another method of improving legal services to the elderly might come from a current trend among law firms: "pro bono publico" projects. Many firms are devoting a portion of their time and resources to volunteer work for those otherwise unable to obtain legal services. Such projects might provide a stimulus for smaller firms or private practioners to volunteer their services.

Along these same lines, a valuable source of legal aid for the elderly might be found in retired lawyers. Such older lawyers can be particularly valuable in a program for the elderly, because they may better be able to communicate with older clients, and they may be more sensitive to the special needs and fears of older people.

Whenever volunteers form part of a legal services, it is important that there be adequate coordination to insure that efforts are not duplicated and clients are not forgotten. Coordination could be provided by the local bar association, an organization which serves the elderly, a community action agency, or a private attorney.

Finally, the legal services program administrator wishing to expand the services his program provides without overburdening his existing staff might seek the help of paralegals.

A paralegal is an employee of an attorney or a legal service program, who is supervised by an attorney, and who has been trained to perform tasks formerly performed by attorneys. In this way the paralegal frees the attorney's time for things that only a member of the bar is entitled to do, while still insuring that the client receives high quality service. By allowing more efficient use of staff, paralegals help to keep costs down and help increase the number of

Alliances between legal and nonlegal professionals ... are essential.

clients that a program can serve.

Paralegals can perform many functions within a legal service program. They can interview clients represent and act as advocates for the elderly in federal benefit areas such as Social Security, handle the drafting of routine documents such as wills, undertake necessary investigation on behalf of individual clients or a group

of the elderly who share a problem, assist in the preparation of litigation, perform legal research, help inform the elderly of their legal rights, and assist in drafting legislation for the elderly.

The use of paralegals can be structured in different ways. Most commonly, paralegals work within a government-funded legal service program or for and organization of the elderly to provide services directly to the clients. Paralegals have also been placed in hospitals and agencies with which the elderly deal in order to insure that older patients receive fair treatment and that adequate attention is given to their problems. Other methods of utilization are also possible.

Whenever paralegals are utilized in a legal services program it is important to provide adequate training, both initially and on a continuing basis. A number of colleges offer formal training programs for paralegals. For those who cannot afford or do not have access to a college program, many legal service plans undertake their own training programs. The National Paralegal Institute is a legal services corporation backup center which specializes in training paralegals. They have produced many publications that are designed to be used by legal service programs in training their own paralegals.

In attempting to rectify at least the legal community's failings in dealing with the aged poor, an attempt must be made to improve the accessibility and efficiency of legal services programs. All of these programming alternatives could prove valuable in adjusting to make that attempt.

Alliances between legal and non legal professionals in implementing such adjustments are essential. Professionals trained in fields other than the law can offer valuable insight to the often short-sighted members of the bar. Too often, lawyers have trouble seeing social iniquities and comtemporary problems with in the narrow context of their specialized legal training.. Advice and assistance from professionals trained in other fields relating to the problems facing the aged poor could prove invaluable.

There has to be, ultimately, a continual and unimpaired interchange between those who work with the aged poor, the aged poor themselves (as often they are the best judge of what can be done) and the legal community in order to begin a real assault on the problems of society that impact on the aged poor.

Most importantly, concentrated efforts must be made, whether through community outreach programs or other channels of communication, to not only alert the elderly to the existance of legal aid programs, but to allay their very reasonable fears and suspicions about lawyers and the law.

It is essential that these efforts be made. For too long, the legal community has failed to adequately represent the aged poor because of a collective lack of awareness of and insensitivity to their unique legal problems. Society cannot continue to abandon and ignore its elderly population.

For the legal community, it is a challenge.

For the aging in America, it is a call to arms. Rather than Browning, the poet to whom they must look is Dylan Thomas, when he said,

Do not go gentle into that good night,
Old age should burn and rave at the close of day;
Rage, rage against the dying of the light.

(Editor's note: This commentary was written by Charles Main, a journalism student at the University of Kentucky. It is based on materials prepared by Carolyn Bratt, UK Assistant Professor of Law. These materials have been presented in various seminars and speeches made by Ms. Bratt.)

UK Law Students Receive Ashland Oil Scholarship

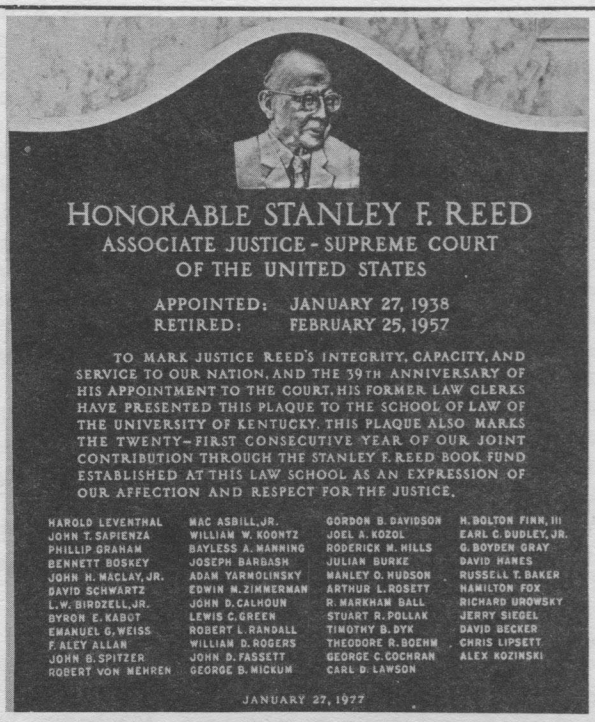
Among six University of Kentucky law students who received $500 scholarships from the Ashland Oil Foundation, Ashland, were from left, Greg Lunn, of Erlanger; Ferrell Adkins, Salyersville, and James Roberts, Vanceburg. Making the presentation is Richard Spears, Vice President-Law, Ashland Oil, Inc. Thomas Lewis, right, is Dean of the UK College of Law.

The Reed Collection:

an important part of UK's Law Library

Twenty years after the Associate Justice's retirement from the US Supreme Court, the Stanley F. Reed Collection is an important and growing part of the library at the UK College of Law. The collection, established and funded by former clerks of the Associate Justice, has to date received nearly $8,000.

(continued on next page)


HONORABLE STANLEY F. REED
ASSOCIATE JUSTICE - SUPREME COURT
OF THE UNITED STATES
APPOINTED: JANUARY 27, 1938
RETIRED: FEBRUARY 25, 1957
TO MARK JUSTICE REED'S INTEGRITY, CAPACITY, AND SERVICE TO OUR NATION, AND THE 39TH ANNIVERSARY OF HIS APPOINTMENT TO THE COURT, HIS FORMER LAW CLERKS HAVE PRESENTED THIS PLAQUE TO THE SCHOOL OF LAW OF THE UNIVERSITY OF KENTUCKY. THIS PLAQUE ALSO MARKS THE TWENTY-FIRST CONSECUTIVE YEAR OF OUR JOINT CONTRIBUTION THROUGH THE STANLEY F. REED BOOK FUND ESTABLISHED AT THIS LAW SCHOOL AS AN EXPRESSION OF OUR AFFECTION AND RESPECT FOR THE JUSTICE.
HAROLD LEVENTHAL
JOHN T. SAPIENZA
PHILLIP GRAHAM
BENNETT BOSKEY
JOHN H. MACLAY, JR.
DAVID SCHWARTZ
L. W. BIRDZELL, JR.
BYRON E. KABOT
EMANUEL G. WEISS
F. ALEY ALLAN
JOHN B. SPITZER
ROBERT VON MEHREN
MAC ASBILL, JR.
WILLIAM W. KOONTZ
BAYLESS A. MANNING
JOSEPH BARBASH
ADAM YARMOLINSKY
EDWIN M. ZIMMERMAN
JOHN D. CALHOUN
LEWIS C. GREEN
ROBERT L. RANDALL
WILLIAM D. ROGERS
JOHN D. FASSETT
GEORGE B. MICKUM
GORDON B. DAVIDSON
JOEL A. KOZOL
RODERICK M. HILLS
JULIAN BURKE
MANLEY O. HUDSON
ARTHUR L. ROSETT
R. MARKHAM BALL
STUART R. POLLAK
TIMOTHY B. DYK
THEODORE R. BOEHM
GEORGE C. COCHRAN
CARL D. LAWSON
H. BOLTON FINN, III
EARL C. DUDLEY, JR.
G. BOYDEN GRAY
DAVID HANES
RUSSELL T. BAKER
HAMILTON FOX
RICHARD UROWSKY
JERRY SIEGEL
DAVID BECKER
CHRIS LIPSETT
ALEX KOZINSKI
JANUARY 27, 1977

(Top, right) This placque to Former Justice Reed's honor sits in the display case in the lobby of the Law School. (Above) UK Director of Libraries Paul Willis, UK Law Dean Thomas P. Lewis, Mr. and Mrs. Stanley F. Reed, Jr., and UK Law Librarian William James examine the Fred F. Vinson papers on display in the UK's King Library.

The University has used these funds to build a collection of materials dealing with the Supreme Court and related subjects. The collection includes not only monographs, but also records and briefs. Those briefs are stored on microfiche and date from 1916 to the present.

Stanley Forman Reed was born in Minerva, Kentucky, a small town in Mason County of which Maysville is the county seat on December 31, 1884. He is the son of Dr. John A. Reed and Frances Forman Reed.

He received an excellent education, graduating from Kentucky Wesleyan (1902) and Yale (1906) with bachelor's degrees in history and economics. He studied law at the University of Virginia and at Columbia, then took his new bride, Winiffred Elgin, with him to Paris, where he studied civil and international law at the Sorbonne (1910).

Reed returned to Kentucky and was admitted to the Bar in 1910, setting up his practice in Maysville. An active participant in Democratic politics, Reed served from 1912 to 1916 in the General Assembly. While there, he introduced child labor and workmen's compensation legislation.

After serving as a First Lieutenant in the Army, Reed returned to Maysville to resume his practice of law. Two of his principal clients were the Chesapeake and Ohio Railroad and the Burley Tobacco Growers' Cooperative Association. The latter, a group which Reed helped organize, has been an active participant in leaf market control. As general counsel for the Cooperative, he made the contacts which eventually brought him to Washington, D.C.

He was counsel for the newly-created Federal Farm Board under President Hoover, and, in 1932, became General Counsel for the Reconstruction Finance Corporation. Shortly after Roosevelt's election, Reed was appointed special assistant to the Attorney General, and in 1935, became Solicitor General.

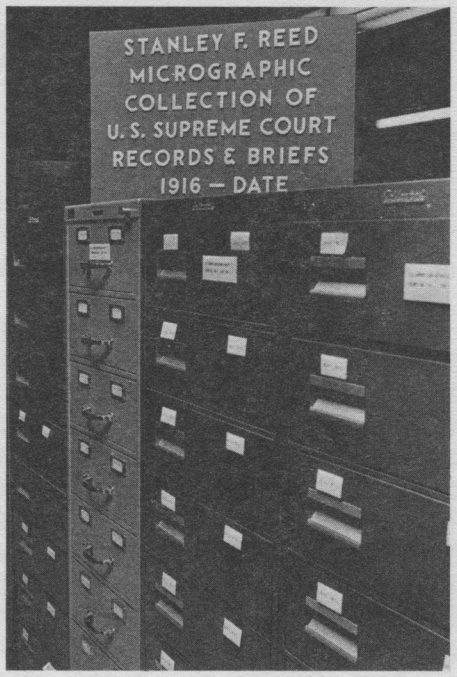
When Justice George Sutherland retired in 1938, Roosevelt nominated Mr. Reed to fill the vacancy. Reed was confirmed by the Senate on January 25, 1938 and took his position on January 31.

The next nineteen years were turbulent for the United States Supreme Court, particularly in the field of racial equality. Mr. Justice Reed's participation in the decisions helped make him a framer of the much-overdue policies designed to re-emancipate the Negro.

In the area of freedom of speech, as well, Justice Reed came to the front in his advocacy of the First Amendment. Even so, however, Mr. Reed is not known as a Bill of Rights liberal. Devoted to government and organization, he felt that the needs of the American people in escaping from the grips of the depression often outweighed the rights of the individual dissenter.

He was also in favor of judicial restraint. To him, the Congress and the President—not the Court—were responsible for governing.

Justice Reed retired from the Supreme Court in 1957. Shortly thereafter, his former law clerks



offered to make cash donations to the Law School of his choice. He chose the University of Kentucky.

A plaque to his honor now sits in the display case of the lobby of the College of Law. It will be hung in the public services area of the library once the renovation project has been completed.

Mr. Reed will be 93 on December 31.

(Editor's note: For an excellent biography of Mr. Justice Reed, please see The Justices of the United States Supreme Court 1789-1969 Their Lives and Major Opinions. The article on Justice Reed found there was the basis for much of the information contained in this note.)

Continuing Legal Education Seminars

The following is a schedule of seminars planned through March, 1978. Complete information and registration forms will be mailed prior to each seminar. Information is also available from the Office of Continuing Legal Education, College of Law, University of Kentucky, Lexington, Kentucky 49506. Telephone (606) 258-2922.

Commercial Law .....Dec. 16-17, 1977

Closely Held Corporations .....Feb. 17-18, 1978

Workshop for Legal Secretaries .....March 17, 1978

Location: All of the programs will be in Lexington, at the College of Law, University of Kentucky.

IN MEMORIAM

ED P. JACKSON, JR. '41, August 28, 1977, Louisville, Ky.

THOMAS MARSHALL, JR. '38, September 27, 1977, Louisville, Ky.

RAWLINGS RAGLAND, '33, October 1, 1977, Bethesda, Md.

WILLIAM L. SMITH, '16, March 16, 1977, Los Angeles, CA.

COL. JOHN B. TURNER, '46, February 2, 1977, San Antonio, Tx.

faculty report

We realize the alumni are interested when a College of Law faculty member publishes an article, leads a seminar, or slays a dragon. The following is a listing of what some of the faculty has been doing.

THOMAS P. LEWIS, Dean and Professor of Law, was a member of the faculty of the Annual Labor Law institute, conducted in Minneapolison June 10 and 11, by the Labor Law Section of the Minnesota Bar and Minnesota Continuing Legal Education. His subject was "Recent Federal Court Decisions Affecting Management and Unions: A Review and Analysis."

WILLBURT D. HAM, Professor of Law.

Article: **Kentucky Law Survey, Corporations, 65 Ky. L.J. 255 (1976).** It deals with significant decisions by the Supreme Court of the United States relating to federal corporation law as well as recent developments in state corporation law.

Speaker: Seminar on Recent Developments in Kentucky Law, Subject of Corporations (developments at federal and state level), June 17-18, 1977, presented by the Office of Continuing Legal Education, University of Kentucky College of Law.

ALVIN GOLDMAN, Professor of Law.

Speaker: Labor-management Arbitration Conference, San Diego , Calif. June 16, 1977. Topics: "Current Issues in Interest Arbitration," and "Conduct of Arbitration Hearings and Techniques of Presentation."

Speaker: Kentucky Economics Association, Louisville, Ky., September 30, 1977. Topic: "Collective Bargaining for Public Employees."

RICHARD C. AUSNESS, Professor of Law.

Article: **Kentucky Law Survey: Torts, 65 Ky. L.J. 301-335 (1976).**

Article: Estimating Environmental Damages from Surface Mining of Coal in Appalachia: A Case Study (with Randall, Grunewald, Johnson, and Pagoulatos) (EPA, 1977).

KENNETH B. GERMAIN, Associate Professor of Law.

Publication: "Remedies: Contribution and Apportionment Among 'Joint Tortfeasors,' " **65 Ky. L.J. 285** (1976).

Speaker: United States Trademark Asociation "1977 Trademark Basics Forum", Reston, Va., October 2-5, 1977. Topic:"The Expanding Scope of Section 43(a) of the Lanham Act."

University Service: Professor Germain is now serving as Chairman and Hearing Officer of the University Appeals Board for the fifth consecutive year.

GERALD G. ASHDOWN, Assistant Professor of Law.

Article: **Gertz and Firestone: A Study in Constitutional Policy-Making, 61 Minn. L. Rev. 645 (1977).**

Article (work in progress): **Privacy and the Press: Decline in Constitutional Protection for the Media.**

LINDA PELTIER

Bright and cheerful as her nickname, Linda "Sunny" Peltier is the most recent addition to the UK Law School full-time teaching faculty.

She comes to UK a 1973 graduate of George Washington University, where she was editor in chief of the law review. After graduation, she spent a year and a half practicing with a Washington D.C. law firm and then worked with Susquehanna Legal Services in Williamsport, Pa.

"I think I've really had it in my mind for a long time that I'd like to teach," she says.

"The rewards in the law firm were primarily economic, and I was really afraid that I'd get too accustomed to the money if I waited too long to try and do anything else."

Ms. Peltier says it was a refreshing change when she went to the Leal Services office. Where work at the law firm involved primarily corporate and securities law, Legal Services gave her an opportunity to deal with the problems of "real people."

(Legal Services involve primarily civil law: domestic relations, administrative law, landlord-tenant, consumer law, etc.)

There was, however, a problem with potential burnout.

"Although I enjoyed my work," she says, "the extremely heavy caseload made it very difficult to give enough time to those cases that might be particularly interesting."

This, plus a desire to get back into the academic community, prompted her to interview for positions open at a number of universities. At this writing, she has nearly completed her first semester of teaching.

"My colleagues have informed me that the classes of the first year professor inevitably suffer the growing pains of that professor. To some extent, I think that's true with me. When I started work for Legal Services, for example, I had never been to court before. But when I started teaching, I found that there were 76 judges instead of just one.

"But I think I'm beginning to get the technique down, now. The problem is with pacing: presenting the materials so they can be most easily grasped. But we're getting there.

"So far, I've found teaching more demanding, more interesting, more time consuming than Legal Services or the law firm. And, really, it's been a lot more rewarding."

book reviews

Leon Jaworski, **The Right and the Power**, Pocket Books, 1977. $2.50.

It was late on a Saturday night in October. Perhaps we had just turned on the car radio. Maybe we were watching TV and saw it on a bulletin. Some of us did not know about it until the next morning's paper.

It became known as the "Saturday Night Massacre." Archibald Cox had subpoenaed tape recordings from President Nixon. Nixon had, in turn, ordered the special prosecutor fired. Attorney General Elliot Richardson refused to do so and resigned. Assistant Attorney General William Ruckelshaus refused to do so and was, himself, fired. Solicitor General Robert Bork, by that time Acting Attorney General, complied with the President's order.

The search for a new special prosecutor then began. President Nixon hoped, no doubt, that he would find one who was less vehement than Cox. He also hoped, no doubt, that he would be able to calm the uproar which had been caused by the Cox firing.

The President chose Leon Jaworski, a Houston attorney. The story is, of course, a familiar one. Congress gave the new special prosecutor "the right" and "the power" to enter all phases of the Watergate investigation, then Jaworski had to go as far as the Supreme Court of the United States to assert that right and power.

Jaworski's book is a well-written one. It is not just another of the flood of Watergate books that inundated the market shortly after the scandal. It is the account of the unraveling of a tangled web by the man who directed the investigation. It contains his observations on the political system, the legal system, and the office of the President.

One of the more poignant statements was about Richard Nixon's statements to the American people during the investigation:

"I recalled a prayer service the ministers and elders of my church in Houston held for me and my family before my journey to Washington. Now I called on the strength those prayers had given me. During the months to come, I would hear the President throw falsehood after falsehood at the American people. Only a handful in the country would know his falsehoods for what they were. It was torture to remain silent in the face of such duplicity. How I longed to cry out against him so the people would know the truth! But I swallowed my frustration each time, knowing that the rules that granted Richard Nixon his freedom to speak were the same rules that bade me hold my tongue."

The Right and the Power will make interesting and enlightening reading.

Tax for the practitioner

The question most frequently asked concerning the massive and complicated Tax Reform act of 1976 is: "How can a busy practitioner quickly update himself on estate and gift tax changes in order to competently plan estates and draft wills?" Many experts point out that there are no short cuts, that the field has become increasingly specialized, perhaps to the degree that the general practitioner will remain inadequate in estate planning at least for the next 10 or 20 years as he did following the major but much simpler changes under the Revenue Act of 1948.

Continuing legal education seminars sponsored by bar and other groups have responded to the need to re-educate lawyers to the changes, including their significance and potential pitfalls and problems to be resolved, if at all. by future technical amendment-type legislation, Treasury regulation and occasional litigation. (For transcripts of Kentucky programs, write John K. Hickey, Director of Continuing Legal Education, College of Law, University of Kentucky, Lexington, Ky. 40506.)

Since 1976, a rash of aids and materials assuming adequate background in previous law has appeared to aid the practitioner. Al the major tax services: Prentice-Hall, Commerce Clearing House, Research Institute of America have been updated to incorporate the changes, as have many texts. Each Service has printed in separate volumes a summarized explanation under the title "Tax Reform Act of 1976," together with Code Sections and Committee Reports.

The two most popular student texts on Estate and Gift Taxation are now supplemented by paperback texts. John H. McCord has written **1976 Estate and Gift Tax Reform** supplementing the Hornbook (West Publishing Company, 1977); and Guy B. Marxfield has written **Tax Reform Act Special Supplement** (1977) for the text by Stephens, Maxfield and Lind (Warren, Gorham and Lamont, 1977).

An excellent, although basic, text "for professionals entering post-Tax Reform planning" now in print is **Estate Planning and Administration**, written by William C. Clay, Jr. of Mt. Sterling, Kentucky (Research and Review Service, P.O. Box 1727, Indianapolis). And in the real world of law firms and trust departments of banks, one finds other specialized works on various phases of TRA. For example, McGrath and Blattmacher, **Carryover Basis; Working withthe New Tax Reform Act**, a compendium of over fifty articles in the **Journal of Taxation** showing how the new law works in practice; the new CCH manual **Estate Planning Guide under Tax Reform**; and the Illinois Institute for Continuing Legal Education materials on Estate Planning available for about $40 and other summaries.

F.W. Whiteside

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—Placement, Law College Relations, Institutional Development.

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Cheryl Jones, Public Services,
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(606) 257-1651.

Student Research Service
Evans Library, Law Building,
(606) 257-4650

UK Lawyers Wanted

GENERAL ELECTRIC COMPANY. LOUISVILLE,

General Corporate Attorney, 5 years experience in commercial law and or trade regulation. Litigation experience preferred. Salary range: $28-34K.

General Corporate Attorney, 1-4 years antitrust and general commercial law experience. Salary range: $24-30K.

UNION CARBIDE CORPORATION, OAK RIDGE, TENNESSEE,

Labor Lawyer, 2-5 years experience in labor law matters to represent Tennessee and Kentucky facilities. Salaries negotiable.

OTHER POSITIONS:

Labor lawyer (private firm-Pittsburgh). 5-10 years experience in litigation, elections unfair practices, etc.

Labor lawyer (corporate-Houston). 6-10 years experience. Salary commensurate with experience; outstanding benefits.

Antitrust lawyer for Michigan corporation (Detroit offices). 3-4 years anti-trust law firm experience. Salary negotiable.

Corporate law department of a large international NYSE corporation seeks an attorney with 2-4 years experience in a large law firm. Location: Lehigh Valley Pennsylvania.

For information on these opportunities, write or call Carroll D. Stevens, Assistant Dean for College relations, College of Law, University of Kentucky, Lexington, Ky. 40506 (606) 258-2885.

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